

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

TAMERA BROWN, et al.

Plaintiff,

v.

CITY OF CINCINNATI, et al.

Defendants.

:
: **CASE NO: 1:18-CV-00412**
:
: **Judge Susan J. Dlott**
:
: **Magistrate Judge Karen L. Litkovitz**
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:
:

**MOTION FOR EXTENSION OF TIME TO ANSWER AND FILE MOTIONS FOR
JUDGMENT ON THE PLEADINGS**

Defendants respectfully move the Court for a second extension of time to answer Plaintiffs' Second Amended Complaint and file Defendants' Motions for Judgment on the Pleadings. Defendants contacted Plaintiffs regarding whether Plaintiffs objected to Defendants' Motion for Extension of Time until after the Court assists the parties in resolving the outstanding discovery issues. Plaintiffs object to Defendants' Motion.

Defendants do not seek the extension to delay this litigation. Defendant Danita Pettis in her individual capacity served Plaintiffs Tamera Brown and Joy Ludgatis with Interrogatories and Requests for Production of Documents on December 3, 2018. On February 19, 2019 Defendants sought their first extension of the answer deadline in order to provide Plaintiffs time to respond to Defendant Pettis' discovery demand. The parties agreed on the dates set forth below after email communications in which Defendants specifically requested "if Plaintiffs do not realistically believe that you can provide complete responses to discovery by Monday, please let me know so that I can adjust the dates, and we don't have to keep going back to the Court."

Plaintiffs responded “Plaintiffs have no objections to the motion to extend. While Plaintiffs fully anticipate providing responses by this Friday, 22 February, extending the deadlines by another week to 1 March 2019 may be the safer approach.” At no time did Plaintiffs represent to Defendants that Plaintiffs had an objection to any of Defendants discovery responses served almost 90 days prior nor did Plaintiffs represent that Plaintiffs would refuse to provide any documents responsive to Defendant Pettis’ requests. Had Defendants known this information at the time the first extension was filed, Defendants would have requested an extension to answer until after March 8, 2019 and would have sought the Court’s intervention at that time. While Defendants have requested an informal discovery conference, Defendants now face an answer deadline of March 8, 2019, which date all parties agreed to based on the March 1, 2019 discovery production deadline. Defendants do not believe they can protect their interests by proceeding with answering the Second Amended Complaint until the Court assists the parties in resolving their discovery dispute.

Defendants seek this extension so that Defendants have all information to adequately answer the Second Amended Complaint and prepare Defendants’ Motion for Judgement on the Pleadings. Defendants respectfully request that the Court extend Defendants answer deadline to a date agreed upon after the parties’ informal discovery conference with the Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2019 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Janaya Trotter Bratton